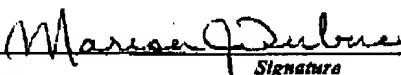


TRANSMITTAL OF APPEAL BRIEF (Large Entity)					Docket No. YOR920000559US1	
In Re Application Of: John S. Maresca, et al.						
Application No. 09/752,090	Filing Date 12/29/2000	Examiner Wei Y. Zhen	Customer No. 48915	Group Art Unit 2191	Confirmation No. 4024	
Invention: METHOD AND SYSTEM FOR PROVIDING AN END-TO-END BUSINESS PROCESS FOR ELECTRONIC SUPPLIER QUALIFICATION AND QUALITY MANAGEMENT						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on 08/16/2005 and Notice of Panel Decision from Pre-Appeal Brief Review dated 09/26/2005						
The fee for filing this Appeal Brief is: \$500.00						
<input type="checkbox"/> A check in the amount of the fee is enclosed.						
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510						
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
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Marisa J. Dubuc Registration No. 46,673 Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002 Phone: 860-286-2929 Fax: 860-286-0115			<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">(Date)</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Signature of Person Mailing Correspondence</div> <div style="border: 1px solid black; padding: 5px;">Typed or Printed Name of Person Mailing Correspondence</div>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: JOHN S. MARESCA, ET AL.)
) Before the
SERIAL NUMBER: 09/752,090) Board of
) Appeals
FILED: December 29, 2000)
) Appeal No.
FOR: METHOD AND SYSTEM FOR)
PROVIDING AN END-TO-END)
BUSINESS PROCESS FOR ELECTRONIC)
SUPPLIER QUALIFICATION AND)
QUALITY MANAGEMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

This Appeal Brief is submitted in response to a Final Office Action mailed on July 21, 2005.

THE REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines, Inc. Ownership by International Business Machines, Inc. is established by assignment document recorded for this application on May 18, 2001 on Reel 011826, Frame 0316.

RELATED APPEALS AND INTERFERENCES

Appellant knows of no related patent applications or patents under appeal or interference proceeding.

STATUS OF CLAIMS

Claims 1-43 have been canceled and new claims 44-79 have been added. Claims

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44-79 have been rejected under 35 U.S.C. § 103(a). The rejections of claims 44-79 are herein appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to receipt of the final office action.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims 44, 55, 66, 77, 78 and 79 involved in the appeal is provided below:

Claim 44

Claim 44 recites “[a] method for facilitating supplier qualification and quality management functions in a communications network environment.”

The method comprising “qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository” (p. 6, lines 21-25; p. 7, lines 10-16 and 21-28; Figure 3, elements 302, 308, 314; p. 12 line 25-p. 13 line 2; Figure 1 – data storage device 118).

The qualifying suppliers, parts, and technologies comprising “acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository” (Figure 3 – supplier selection 304; p. 10, lines 4-9).

The qualifying suppliers, parts, and technologies further comprising “storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources” (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

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The qualifying suppliers, parts, and technologies further comprising “performing quality management functions via said web-based user interface and shared data repository” (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including “at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier” (Figure 3 – element 316;

Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

Claim 55

Claim 55 recites “[a] system for facilitating supplier qualification and quality management functions in a communications network environment.”

The system comprising “a supplier qualification and quality management application executing on a host system” (Figure 1 – host system 110; p. 5 lines 28-29).

The system further comprising “a web-based user interface provided by supplier qualification and quality management application, said web-based user interface operable for collaboratively enabling qualification of suppliers, parts, and technologies over a network” (Figure 1 – network 112; Figure 3 – elements 302, 308, 314; p. 7 lines 10-16 and 21-28; p. 12 line 25-p. 13 line 2).

The system further comprising “a shared data repository in communication with said host system, the shared data repository storing part qualification data” (Figure 1 – data storage device 118, host system 110; p. 6 lines 21-25; p. 7 lines 24-28).

The system further comprising “a workstation in communication with said host system, said workstation operated by a manufacturing representative” (Figure 1 – workstation 114, host system 110; p. 5 lines 1-12).

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The system further comprising "a link to at least one supplier over said network, said at least one supplier in communication with said host system via said web-based user interface and said network" (Figure 1 – system 150, web server 152, workstations 154, intranet 156 connected to Internet; p. 6 line 26-p. 7 line 9; p. 7 lines 17-20).

The collaboratively enabling qualification of suppliers, parts, and technologies including "acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository" (Figure 3 – supplier selection 304; p. 10, lines 4-9).

The qualifying suppliers, parts, and technologies further comprising "storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources" (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

The qualifying suppliers, parts, and technologies further comprising "performing quality management functions via said web-based user interface and shared data repository" (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including "at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier" (Figure 3 – element 316;

Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

Claim 66

Claim 66 recites "[a] storage medium encoded with machine-readable computer program code for facilitating supplier qualification and quality management functions in a

communications network environment, program code including instructions for causing a host system to implement a method.”

The method comprising “qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository” (p. 6, lines 21-25; p. 7, lines 10-16 and 21-28; Figure 3, elements 302, 308, 314; p. 12 line 25-p. 13 line 2; Figure 1 – data storage device 118).

The qualifying suppliers, parts, and technologies comprising “acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository” (Figure 3 – supplier selection 304; p. 10, lines 4-9).

The qualifying suppliers, parts, and technologies further comprising “storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources” (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

The qualifying suppliers, parts, and technologies further comprising “performing quality management functions via said web-based user interface and shared data repository” (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including “at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier” (Figure 3 – element 316;

Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

Claim 77

Claim 77 recites “[a] method for facilitating supplier qualification and quality management functions in a communications network environment.”

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The method comprising “qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository” (p. 6, lines 21-25; p. 7, lines 10-16 and 21-28; Figure 3, elements 302, 308, 314; p. 12 line 25-p. 13 line 2; Figure 1 – data storage device 118).

The qualifying suppliers, parts, and technologies comprising “acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository” (Figure 3 – supplier selection 304; p. 10, lines 4-9).

The qualifying suppliers, parts, and technologies further comprising “storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources” (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

The qualifying suppliers, parts, and technologies further comprising “performing quality management functions via said web-based user interface and shared data repository” (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including “at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier” (Figure 3 – element 316;

Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The qualifying technologies comprising: “placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed” (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising "accessing a completed technology survey via said web-based user interface by said engineering organization" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising "analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying parts further including "accessing part qualification data via said web-based user interface; analyzing said part qualification data; and qualifying said parts based upon results of said analyzing" (Figure 3 – part qualification 312; p. 12 line 25-p. 13 line 5).

Claim 78

Claim 78 recites "[a] system for facilitating supplier qualification and quality management functions in a communications network environment."

The system comprising "a supplier qualification and quality management application executing on a host system" (Figure 1 – host system 110; p. 5 lines 28-29).

The system further comprising "a web-based user interface provided by supplier qualification and quality management application, said web-based user interface operable for collaboratively enabling qualification of suppliers, parts, and technologies over a network" (Figure 1 – network 112; Figure 3 – elements 302, 308, 314; p. 7 lines 10-16 and 21-28; p. 12 line 25-p. 13 line 2).

The system further comprising "a shared data repository in communication with said host system, the shared data repository storing part qualification data" (Figure 1 – data storage device 118, host system 110; p. 6 lines 21-25; p. 7 lines 24-28).

The system further comprising "a workstation in communication with said host system, said workstation operated by a manufacturing representative" (Figure 1 – workstation 114, host system 110; p. 5 lines 1-12).

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The system further comprising "a link to at least one supplier over said network, said at least one supplier in communication with said host system via said web-based user interface and said network" (Figure 1 – system 150, web server 152, workstations 154, intranet 156 connected to Internet; p. 6 line 26-p. 7 line 9; p. 7 lines 17-20).

The collaboratively enabling qualification of suppliers, parts, and technologies including "acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository" (Figure 3 – supplier selection 304; p. 10, lines 4-9).

The qualifying suppliers, parts, and technologies further comprising "storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources" (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

The qualifying suppliers, parts, and technologies further comprising "performing quality management functions via said web-based user interface and shared data repository" (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including "at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier" (Figure 3 – element 316;

Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The system further comprising "a technology survey for implementing technology qualification" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies including "placing said technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey

associated with an engineering organization related to a technology being surveyed” (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising “accessing a completed technology survey via said web-based user interface by said engineering organization” (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising “analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing” (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying parts further including “accessing part qualification data via said web-based user interface; analyzing said part qualification data; and qualifying said parts based upon results of said analyzing” (Figure 3 – part qualification 312; p. 12 line 25-p. 13 line 5).

Claim 79

Claim 79 recites “[a] storage medium encoded with machine-readable computer program code for facilitating supplier qualification and quality management functions in a communications network environment, program code including instructions for causing a host system to implement a method.”

The method comprising “qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository” (p. 6, lines 21-25; p. 7, lines 10-16 and 21-28; Figure 3, elements 302, 308, 314; p. 12 line 25-p. 13 line 2; Figure 1 – data storage device 118).

The qualifying suppliers, parts, and technologies comprising “acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository” (Figure 3 – supplier selection 304; p. 10, lines 4-9).

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The qualifying suppliers, parts, and technologies further comprising "storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources" (p. 12 line 27-p. 13 line 2; p. 14 lines 6-11; p. 15 lines 9-14; p. 18 lines 13-27; Figure 5 – element 500).

The qualifying suppliers, parts, and technologies further comprising "performing quality management functions via said web-based user interface and shared data repository" (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The quality management functions including "at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier" (Figure 3 – element 316; Figure 5 – element 520; p. 19 line 18-p. 20 line 4).

The qualifying technologies comprising: "placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising "accessing a completed technology survey via said web-based user interface by said engineering organization" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying technologies further comprising "analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing" (Figure 3 – technology qualification 310; p. 11 line 25-p. 12 line 13).

The qualifying parts further including "accessing part qualification data via said web-based user interface; analyzing said part qualification data; and qualifying said parts based upon results of said analyzing" (Figure 3 – part qualification 312; p. 12 line 25-p. 13 line 5).

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The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 44-79 have been are rejected as being allegedly unpatentable over Aycock et al. ("Aycock") in view of Gervais et al. ("Gervais"). The rejection of claims 44-79 as being allegedly unpatentable over Aycock in view of Gervais is to be reviewed on appeal.

ARGUMENT

Claims 44-79 have been are rejected as being allegedly unpatentable over Aycock et al. ("Aycock") in view of Gervais et al. ("Gervais").

The Examiner states with respect to claim 44, 55, 66, and 77-79 that Aycock discloses qualifying suppliers, parts and technologies in a collaborative network environment, citing column 3, lines 45-52 and column 7, lines 1-16. The Examiner further states that Aycock discloses said qualifying suppliers, parts and technologies including acquiring supplier capabilities, part data and supplier technology data from at least one collaborative source, citing column 3, lines 45-52 and column 7, lines 1-16. Aycock discloses "a database storing a plurality of existing standards for use in formulating a set of requirements for a project, a vendor database storing existing vendor performance reports, historical vendor performance reports, and prior on-site audit reports, a product database identifying product performance and reliability for existing products supplied by existing and prior vendors..." (column 3, lines 45-52 and column 7, lines 1-16). While Aycock may teach some aspect of supplier qualification, it is devoid of teaching or suggesting qualifying *suppliers, parts and technologies*. The general reference made in Aycock to a database that stores past and present audit and

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performance data does not necessarily result in a capability to perform qualification of supplier parts and technologies. The Examiner further states that Aycock discloses said collaborative source including a supplier, a manufacturing representative, and electronic catalog, citing column 1, lines 21-30 and column 2, line 56-column 3, line 22. Aycock, however, is devoid of teaching a collaborative source. The source of supplier information disclosed in Aycock is, at best, a source; however, it is not a *collaborative* source. Aycock states "vendor requirements are selected for a vendor qualification...provided to a supplier [and]...after receiving supplier responses to the requirements, the supplier responses are assigned a scaled score" (column 2, line 64 – column 3, line 4). Collaboration suggests more than sending requests and receiving responses.

The Examiner further states that Aycock discloses storing acquired data in a data repository, citing column 3, lines 45-52, whereby the acquired data is accessible to affected collaborative sources, and performing quality management functions, said quality management functions including accessing quality metrics provided by a supplier, citing column 3, lines 45-55 and column 7, lines 1-16).

The Examiner concedes that Aycock does not explicitly disclose web based user interface, and shared data repository. This recognition by the examiner that Aycock does not teach a web based user interface and shared data repository lends strength to the Appellants contention that Aycock does not disclose collaborative elements as referenced above and recited in claims 44, 55, 66, 77-79. The web based user interface and shared data repository recited in Appellants claims 44, 55, 66, and 77-79 are integral components and functions corresponding to these collaborative elements.

The Examiner, however, introduces Gervais for teaching the web based user interface and shared data repository and states that Gervais discloses these elements, citing column 1, line 54 to column 2, line 15 and Figure 1. The Examiner then states that it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Gervais into the system of Aycock to provide web based user interface, and shared data repository for manufacturers and suppliers or other business partners in a collaborative environment because one would want to enhance the ability of a business

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enterprise to organize access and sharing of information and applications. Because Aycock does not disclose the limitations indicated above with respect to claims 44, 66, and 77-79, Gervais can not cure the deficiencies therein.

With respect to claims 77-79, the Examiner states that Aycock further discloses placing a technology survey on a network said technology survey accessible to at least one supplier and said technology survey associated with an engineering organization related to a technology being surveyed (citing Fig. 2 and column 9, lines 3-35) and accessing a completed technology survey via said user interface by said engineering organization and analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing (citing Fig. 2 and col. 9 lines 3-35 and col. 3, lines 35-60). Referring to Figure 2 of Aycock, "the supplier evaluation system 60 comprises a specification database...[that] serves as a library for all hardware and software specifications for known quality process standards" (column 9, lines 21-27). If the Examiner is somehow suggesting that the standards disclosed in Aycock are synonymous with the technology surveys recited in Appellants claims, this interpretation is in error. The standards disclosed in Aycock are not technology surveys, the latter of which relates to questions that solicit structured responses for a given technology.

Additionally, Aycock is devoid of teaching or suggesting that said technology survey is *associated with an engineering organization* related to a technology being surveyed.

The Examiner concedes that Aycock does not explicitly disclose web-based user interface as claimed. This recognition by the examiner that Aycock does not teach a web based user interface and shared data repository lends strength to the Appellants contention that Aycock does not disclose collaborative elements as referenced above. The web based user interface and shared data repository recited in Appellants claims 77-79 are integral components and functions corresponding to the collaborative elements.

However, the Examiner contends that Gervais discloses providing web based user interface and shared data repository for manufacturers and suppliers or other business partners in a collaborative environment (citing column 1, line 54 to column 2, line 15 and

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Fig. 1). The Examiner then states that it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Gervais into the system of Aycock to provide web based user interface for manufacturers and suppliers or other business partners in a collaborative environment because one would want to enhance the ability of a business enterprises to organize access and sharing of information and application. Because Aycock does not disclose the limitations indicated above with respect to claims 77 and 79, Gervais does not cure the deficiencies therein.

For at least these reasons, claims 44, 55, 66, and 77-79 patentably define over Aycock in view of Gervais.

Claims 45-54, 56-65, and 67-76 should be patentable as depending from what should be allowable independent claims.

Claims 45, 56, and 67 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 45, 56, and 67 recite, "recommending at least one of a technology, part, and supplier based a purchasing entity's requirements via said web-based user interface." As indicated above, Aycock does not teach a web based user interface and shared data repository. This lack of teaching lends strength to the Appellants contention that Aycock does not disclose collaborative elements as referenced above. The web based user interface recited in Appellants claims 45, 56, and 67 are integral components and functions corresponding to the collaborative elements.

For at least these reasons, claims 45, 56, and 67 patentably define over Aycock in view of Gervais.

Claims 47, 58, and 69 should also be allowable as setting forth patentable subject matter in and of themselves. These claims recite, "auditing a supplier and submitting results of said auditing to said shared data repository, said results accessible to affected collaborative sources via said web-based user interface." The Examiner contends that the combination of Aycock and Gervais disclose auditing a supplier and submitting results of said auditing to said data repository (citing Aycock, column 3, lines 35-60), said results accessible to affected collaborative source via said web-based user interface (citing

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Gervais, Fig. 1 and col. 1 lines 55-67). As indicated above, Aycock does not teach a web based user interface and shared data repository. This lack of teaching lends strength to the Appellants contention that Aycock does not disclose collaborative elements as referenced above. The web based user interface recited in Appellants claims 47, 58, and 69 are integral components and functions corresponding to the collaborative elements.

For at least these reasons, claims 47, 58, and 69 patentably define over Aycock in view of Gervais.

Claims 50, 51, 61, 62, 72, and 73 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 50, 51, 61, 62, 72, and 73 recite "said managing proposed changes to a supplier process includes: submitting a proposed process change to said shared data repository by a supplier, said proposed process change accessible to collaborative sources affected by said proposed process change via said web-based user interface; accessing said proposed process change; analyzing said proposed process change; and determining whether to accept said proposed process change based upon said analyzing...wherein said proposed changes include at least one of short-term process change, long-term process change, and off-specification change." argument. The Examiner states that the combination of Aycock and Gervais disclose submitting data to said shared data repository by a supplier, said data accessible to collaborative source affected by said data (citing Aycock Fig. 2 and column 9, lines 3-35 and column 3, lines 35-60) via said web based user interface (citing Gervais, column 1, line 54 to column 2, line 15 and Fig. 1).

The Examiner further states that the Aycock discloses accessing said data, analyzing said data and determining whether to accept said data based upon said analyzing (Aycock Fig. 2 and column 9, lines 3-35 and column 3, lines 35-60).

The Examiner concedes that neither Aycock nor Gervais discloses that the data is a proposed change. However, the Examiner takes Official notice that a proposed change including a short-term process change by supplier was well known in the art at the time the invention was made. The Examiner states that it would have been obvious to one

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having ordinary skill in the art to incorporate the teaching of the well known knowledge into the teaching of Aycock and Gervais to have the data be a proposed change including short term process change because one would want to enhance the ability of a business enterprises to organize access and sharing of information and application and to facilities the management of supplier qualification.

As recited, the proposed process changes are provided to a shared data repository and are accessible to collaborative sources via said web-based user interface. The claims further recite that the proposed process change is accessed analyzed and a determination whether to accept the proposed process change is made. These limitations clearly reflect the collaborative process that is featured in the claims and which is not taught by Aycock or Gervais. The web based user interface, shared data repository, and accessibility to affected collaborative sources via the web based user interface, all firmly support the Appellants contentions that the limitations clearly distinguish these claims from Aycock and Gervais.

For at least these reasons, claim 50, 51, 61, 62, 72, and 73 patentably define over Aycock in view of Gervais.

Claim 52, 63, and 74 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 52, 63, and 74 recite "said performing quality management functions includes: identifying potential problems relating to a supplier; alerting affected collaborative sources of said potential problems; notifying management; and collaborating with said supplier associated with said potential problems for determining a resolution; and generating a problem report." The Examiner states that Aycock discloses identifying potential problems relating to a supplier, alerting affected collaborative sources of potential problems, notifying management, collaborating with said supplier associated with said potential problems for determining a resolution, *and* generating a problem reports (citing column 9, line 20 to column 13, lines 12 and column 8, lines 1-37). There is simply no teaching in Aycock of each and every limitation recited in claims 52, 63, and 74. In fact, Aycock is devoid of teaching any notification to

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management, much less a notification of potential problems. For at least these reasons, claims 52, 63, and 74 patentably define over Aycock in view of Gervais.

Claims 53, 64, and 75 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 53, 64, and 75 recite "problem reports are categorized by at least one of: supplier; problem reports that have been open for more than one month; problem reports of a critical nature; and problem reports related to a particular final product." Neither Aycock, nor Gervais, alone or in combination teach or make obvious categorization of problem reports. Nor do they teach or make obvious categorizing problem reports by the limitations recited in claims 53, 64, and 75. For at least these reasons, claims 53, 64, and 75 patentably define over Aycock in view of Gervais.

For at least the foregoing reasons, claims 45-54, 56-65, and 67-76 patentably define over Aycock in view of Gervais.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 44-79 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Appeal Brief, or otherwise, please charge them to Deposit Account No. 50-0510 maintained by Appellants' assignee.

Respectfully submitted,

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CLAIM APPENDIX

Claims 1-43 (cancelled).

Claim 44. A method for facilitating supplier qualification and quality management functions in a communications network environment, comprising:

qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository, said qualifying suppliers, parts, and technologies including:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier.

Claim 45. The method of claim 44, further comprising recommending at least one of a technology, part, and supplier based a purchasing entity's requirements via said web-based user interface.

Claim 46. The method of claim 45, further comprising:

analyzing said acquired data in light of recommendations;

selecting a supplier based upon results of said analyzing; and

providing supplier selection information and notification to affected collaborative sources via said web-based user interface.

Claim 47. The method of claim 44, wherein said qualifying suppliers further includes:

auditing a supplier and submitting results of said auditing to said shared data repository, said results accessible to affected collaborative sources via said web-based user interface.

Claim 48. The method of claim 44, wherein said qualifying technologies includes:

placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing.

Claim 49. The method of claim 44, wherein said qualifying parts includes:

accessing part qualification data via said web-based user interface;

analyzing said part qualification data; and

qualifying said parts based upon results of said analyzing.

Claim 50. The method of claim 44, wherein said managing proposed changes to a supplier process includes:

submitting a proposed process change to said shared data repository by a supplier, said proposed process change accessible to collaborative sources affected by said proposed process change via said web-based user interface;

accessing said proposed process change;

analyzing said proposed process change; and

determining whether to accept said proposed process change based upon said analyzing.

Claim 51. The method of claim 50, wherein said proposed changes include at least one of short-term process change, long-term process change, and off-specification change.

Claim 52. The method of claim 44, wherein said performing quality management functions includes:

- identifying potential problems relating to a supplier;
- alerting affected collaborative sources of said potential problems;
- notifying management; and
- collaborating with said supplier associated with said potential problems for determining a resolution; and
- generating a problem report.

Claim 53. The method of claim 52, wherein problem reports are categorized by at least one of:

- supplier;
- problem reports that have been open for more than one month;
- problem reports of a critical nature; and
- problem reports related to a particular final product.

Claim 54. The method of claim 47, wherein said results of said auditing include:

- audit schedules,
- completed audit listings; and
- audit reports.

Claim 55. A system for facilitating supplier qualification and quality management functions in a communications network environment, comprising:

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a supplier qualification and quality management application executing on a host system;

a web-based user interface provided by supplier qualification and quality management application, said web-based user interface operable for collaboratively enabling qualification of suppliers, parts, and technologies over a network;

a shared data repository in communication with said host system;

a workstation in communication with said host system, said workstation operated by a manufacturing representative;

a link to at least one supplier over said network, said at least one supplier in communication with said host system via said web-based user interface and said network;

wherein said collaboratively enabling qualification of suppliers, parts, and technologies includes:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, said manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier.

Claim 56. The system of claim 55, wherein based upon a purchasing entity's requirements, at least one of a technology, part, and supplier is recommended via said web-based user interface.

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Claim 57. The system of claim 56, wherein said web-based user interface is accessed by a collaborative source for performing:

analyzing said acquired data in light of recommendations;

selecting a supplier based upon results of said analyzing; and

providing supplier selection information and notification to affected collaborative sources via said web-based user interface.

Claim 58. The system of claim 55, wherein said data repository stores results of supplier audits, said results accessible to affected collaborative sources via said web-based user interface.

Claim 59. The system of claim 55, further comprising a technology survey for implementing technology qualification, wherein said qualifying technologies includes:

placing said technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing.

Claim 60. The system of claim 55, further comprising part qualification data stored in said shared data repository, wherein said qualifying parts includes:

accessing said part qualification data via said web-based user interface;

analyzing said part qualification data; and

qualifying said parts based upon results of said analyzing.

Claim 61. The system of claim 55, further comprising a process change notification, wherein said managing proposed changes to a supplier process includes:

submitting said proposed process change to said shared data repository by a supplier, said proposed process change accessible to collaborative sources affected by said proposed process change via said web-based user interface;

accessing said proposed process change;

analyzing said proposed process change; and

determining whether to accept said proposed process change based upon said analyzing.

Claim 62. The system of claim 61, wherein said proposed changes include at least one of short-term process change, long-term process change, and off-specification change.

Claim 63. The system of claim 55, further comprising a problem report, wherein said performing quality management functions includes:

identifying potential problems relating to a supplier;

alerting affected collaborative sources of said potential problems;

notifying management;

collaborating with said supplier associated with said potential problems for determining a resolution; and

generating said problem report.

Claim 64. The system of claim 63, wherein problem reports are categorized by at least one of:

supplier;

problem reports that have been open for more than one month;

problem reports of a critical nature; and

problem reports related to a particular final product.

Claim 65. The system of claim 58, wherein said results of said auditing include:

audit schedules,

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completed audit listings; and

audit reports.

Claim 66. A storage medium encoded with machine-readable computer program code for facilitating supplier qualification and quality management functions in a communications network environment, program code including instructions for causing a host system to implement a method, comprising:

qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository, said qualifying suppliers, parts, and technologies including:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier.

Claim 67. The storage medium of claim 66, further comprising instructions for causing said host system to implement: recommending at least one of a technology, part, and supplier based a purchasing entity's requirements via said web-based user interface.

Claim 68. The storage medium of claim 67, further comprising instructions for causing said host system to implement:

analyzing said acquired data in light of recommendations;

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selecting a supplier based upon results of said analyzing; and

providing supplier selection information and notification to affected collaborative sources via said web-based user interface.

Claim 69. The storage medium of claim 66, wherein said qualifying suppliers further includes:

auditing a supplier and submitting results of said auditing to said shared data repository, said results accessible to affected collaborative sources via said web-based user interface.

Claim 70. The storage medium of claim 66, wherein said qualifying technologies includes:

placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing.

Claim 71. The storage medium of claim 66, wherein said qualifying parts includes:

accessing part qualification data via said web-based user interface;

analyzing said part qualification data; and

qualifying said parts based upon results of said analyzing.

Claim 72. The storage medium of claim 66, wherein said managing proposed changes to a supplier process includes:

submitting a proposed process change to said shared data repository by a supplier, said proposed process change accessible to collaborative sources affected by said proposed process change via said web-based user interface;

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accessing said proposed process change;
analyzing said proposed process change; and
determining whether to accept said proposed process change based upon said analyzing.

Claim 73. The storage medium of claim 72, wherein said proposed changes include at least one of short-term process change, long-term process change, and off-specification change.

Claim 74. The storage medium of claim 66, wherein said performing quality management functions includes:

identifying potential problems relating to a supplier;
alerting affected collaborative sources of said potential problems;
notifying management; and
collaborating with said supplier associated with said potential problems for determining a resolution; and
generating a problem report.

Claim 75. The storage medium of claim 74, wherein problem reports are categorized by at least one of:

supplier;
problem reports that have been open for more than one month;
problem reports of a critical nature; and
problem reports related to a particular final product.

Claim 76. The storage medium of claim 69, wherein said results of said auditing include:

audit schedules,
completed audit listings; and
audit reports.

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Claim 77. A method for facilitating supplier qualification and quality management functions in a communications network environment, comprising:

qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository, said qualifying suppliers, parts, and technologies including:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier;

wherein said qualifying technologies further includes:

placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing; and

wherein further, said qualifying parts further includes:

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accessing part qualification data via said web-based user interface;
analyzing said part qualification data; and
qualifying said parts based upon results of said analyzing.

Claim 78. A system for facilitating supplier qualification and quality management functions in a communications network environment, comprising:

a supplier qualification and quality management application executing on a host system;

a web-based user interface provided by supplier qualification and quality management application, said web-based user interface operable for collaboratively enabling qualification of suppliers, parts, and technologies over a network;

a shared data repository in communication with said host system, the shared data repository storing part qualification data;

a workstation in communication with said host system, said workstation operated by a manufacturing representative;

a link to at least one supplier over said network, said at least one supplier in communication with said host system via said web-based user interface and said network;

wherein said collaboratively enabling qualification of suppliers, parts, and technologies includes:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, said manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;
managing process changes proposed by a supplier; and
assessing quality metrics provided by a supplier; and

a technology survey for implementing technology qualification, wherein said qualifying technologies includes:

placing said technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing; and

wherein further, said qualifying parts includes:

accessing said part qualification data via said web-based user interface;

analyzing said part qualification data; and

qualifying said parts based upon results of said analyzing.

Claim 79. A storage medium encoded with machine-readable computer program code for facilitating supplier qualification and quality management functions in a communications network environment, program code including instructions for causing a host system to implement a method, comprising:

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qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository, said qualifying suppliers, parts, and technologies including:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

managing identified changes to a supplier product;

managing process changes proposed by a supplier; and

assessing quality metrics provided by a supplier;

wherein said qualifying technologies further includes:

placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed;

accessing a completed technology survey via said web-based user interface by said engineering organization; and

analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing; and

wherein further, said qualifying parts further includes:

accessing part qualification data via said web-based user interface;

analyzing said part qualification data; and

qualifying said parts based upon results of said analyzing.

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